REMARKS

In view of the following discussion, the Applicants submit that none of the claims presently pending in the application is anticipated under the provisions of 35 USC § 102. Thus, the Applicant continues to believe that all of these claims are in allowable form.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, the Examiner should telephone Mr. Peter L. Michaelson, Esq. at (732) 542-7800 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Specification amendments

Various amendments have been made to the specification to correct minor inadvertent typographical errors that remained in the specification.

Status of claims

No claims have been amended, added or canceled.

Rejection under 35 USC § 102

The Examiner has rejected claims 14-28 as being anticipated under the provisions of 35 USC § 102(b) by the teachings of the '557 Palaniappan patent (United Stated patent 6,711,557 issued to M. Palaniappan on March 23, 2004). This rejection is respectfully traversed. Inasmuch

as independent claims 14, 20 and 26 are highly similar counterpart apparatus, system and method claims, respectively, then, for the sake of brevity, the Applicant will discuss this rejection principally with respect to claim 14.

Specifically, the Examiner takes the position that all the features recited in claim 14 are identically disclosed in the '557 Palaniappan patent. In that regard, the Examiner specifically points to col. 4, lines 26-41 of that patent. As the Examiner will soon appreciate, this view is incorrect.

Broadly speaking and as discussed in the Applicant's prior amendment mailed July 23, 2008, the present invention is directed to configuring preference settings of a user, some of those settings are to be used for configuring operation of a user terminal, such as a mobile telephone, while other such settings are to be used by a remote server for configuring operation of a network, such as communications network, as required by the terminal for use of the network by the user.

Specifically and as discussed in paragraphs [0005] and [0006] on pages 1-2 of the present specification (all page references being made to the substitute specification filed with the Applicant's prior amendment), a user can configure his mobile telephone to his/her preferences such as by changing, e.g., security settings, display contrast, language used by a user interface display or appearance of a built-in clock. Similarly, a user can configure a terminal, such as a PC, by customizing a displayed desktop background

picture, changing color schemes and event sounds as well as features related to accessibility of menus and/or certain functionality. When a user employs a user terminal, be it a mobile telephone or a PC, for communications, the user may also need to make changes in a communications network, either a data network (WAN, such as the Internet) or a telephone network, before using the terminal with that network. These settings may include, e.g., providing a redirection number to use for call forwarding or activating a voice mailbox located in the network.

A problem has arisen in the art, particularly applicable to the use of pushed content, that, as discussed in paragraph [0008] pages 2-3, a user's current status, e.g., mood, mode, or environment, i.e., local user preferences or "settings" that have been established in a user terminal, are not detectable by a sending party or a network to which that terminal is then connected. In that regard, a user can set his/her terminal to one of several different profiles though the settings for each of those profiles is maintained within the terminal itself and not apparent to or accessible by either a sending party or the network itself. If those profiles were to be centrally stored in a profile database, then the preference information may interfere with and hence corrupt profile information locally stored in the terminal.

Consequently, in the absence of a sending party having access to user preferences of a receiving user, particularly that user's current status, whether automatically detected or specifically provided by that user, a provider (sender) of pushed content runs a

significant risk of providing certain content at the wrong moment in time for that user, i.e., when the user is least likely to want it and may even be adversely disturbed by it. For example, it may be quite undesirable for an advertiser to push an advertisement for snacks or the like to the user's mobile telephone, and without that user's approval, while that user is engaged in a business meeting. User status information of that sort, which may manifest itself in a profile to which the user has then set his/her mobile telephone, simply cannot be detected be the advertiser, or more generally by the sender, or even the communications network. Consequently, the absence of such information can seriously hinder the attractiveness and expansion of pushed content delivery. Although such users have become quite accustomed to setting their terminals, whether, e.g., mobile telephones or PCs, to any of a number of different user profiles, the settings associated with any of those profiles have been local settings just for use by their respective terminals and nothing else.

To surmount this problem and thereby, inter alia, increase the utility of pushed content services particularly, though not exclusively, for mobile telephone users, the present Applicant teaches the concept of setting through the user's terminal not only local preferences, i.e., usable by the terminal itself to configure its own operation, but also non-local preferences which will be used by a remote server to configure the operation of the network as then required by the terminal for use by that user.

To accomplish this and as described in paragraph [00010] on page 3 et seq and paragraph [00026] on

page 7 through paragraph [00038] on page 13, a user preferences setting page is downloaded to the terminal by a remote server. This page contains various fields through which the user can enter parameter settings, in this case user preferences. Once the page is displayed on the user's mobile terminal, the user can simply complete that page by indicating his/her preference for each of the fields. Some of these user preferences, such as ring tone settings, display colors and the like, will be retained within that terminal itself and used by the terminal to configure its own operation based on those specific preferences of that user. Other parameters entered through the page, such as which information, in terms of its form and/or information content, may or may not be sent to the terminal and when, will be communicated by the terminal to the server and stored there for use in configuring the operation of the network for subsequent use with the terminal. Different user preference pages (also called "mood pages") can be associated with different user situations or environments, e.g., one for when the user is in a "business" environment, another when the user is on "vacation" (holiday), another when the user is at a romantic setting, and so forth. Each page will have its own set of associated local and non-local user preferences as set by the user for its corresponding situation. The user can store each of these different pages in a remote server, e.g., portal server 9 shown in Fig. 1, for subsequent retrieval through that person's mobile terminal and ultimately use at the appropriate time, e.g., when the user is entering a business meeting or embarking on a vacation, etc. From any such accessed page, that person's terminal will store and use the associated "local" settings (preferences) while sending the "non-local" settings to an

associated server on the network for storage thereat and use in configuring the operation of the network, as then required by the terminal based on a currently selected group of user preferences (previously stored through a "mood page"), for use of the network by the user.

With this in mind, the '557 Palaniappan patent has absolutely nothing to do with the problem addressed by the present Applicant, let alone the Applicant's concept of setting, through the user terminal, both local user preferences for storage within the terminal in order to properly configure use of that terminal for the user, and non-local user preferences for storage within the network, such as a server therein, in order to properly configure operation of the network for use by that user through his/her terminal.

Specifically, the '557 Palaniappan patent relates to updating computer software and data. The invention there is aimed at solving a number of problems associated with conventional methods for updating software, as expressly described in col. 1, lines 22-30 of that patent:

> "First users must know when an update is available and how to obtain the update. Second, once the users become aware that an update is available, they may be unsure of whether or not they need the proffered update and may go through the time consuming process of running the installer program without any need to do so. Third, providing updates on traditional media has its own problems: most importantly, the significant cost of manufacturing and distributing the updates to users."

To solve these problems, the patent teaches a mechanism, for use in a client-server environment, which operates in conjunction with each software application then executing on a client machine. In that regard, col. 1, lines 55-59 state:

> "the present invention provides a technology in which an update mechanism operates in conjunction with each participating software application product, so that users receive notices of, and information about, updates to a product from the product itself. The invention features methods and apparatus that identify applicable updates for computer programs and for program components and content."

To accomplish this, the patent discloses the technique, as described in col. 2, line 9 et seq, of maintaining, in a server, meta-information concerning registered applications then installed on a client machine. This information identifies the versions of all components then required by each such registered application, and includes, as indicated in col. 3, lines 28-33, information about each application, the languages and platforms for which it is available, the current release, the components it may require and their versions, including system components and shared components, and any available updates. As described in, e.g., col. 3, line 52 et seq, a process (process 70) executing at the client machine periodically queries the server to obtain the meta-data for its registered applications, typically from Internet web sites identified by those applications, and then compares the downloaded meta-information with its own corresponding

locally stored information to identify any registered application, then installed on the client, for which an update should be performed. Then, for each such application that should be updated, the process sends a notification to that application such that the application will subsequently undertake to update itself.

The passage at col. 4, lines 26-41, to which the Examiner specifically refers, describes a particular implementation. There, when process 70 determines that an update is available, the update is handled by the relevant application on the client machine. The application determines if, when and how to download the update. That is all this passage describes of consequence. Nothing more.

While a "client machine" as defined in the '557 Palaniappan patent overlaps to some extent with a "user terminal" as defined in the present application, and both the "client machine" disclosed in that patent and the "user terminal" of the present application communicate through respective networks with corresponding servers, that is where the similarity begins and ends between that patent and the Applicant's present invention.

Contrary to the Examiner's apparent view, the '557 Palaniappan patent has absolutely nothing to do with the problem which the Applicant addresses, nor with the Applicant's inventive solution. The following table discusses various features currently recited in claim 14 and distinguishes those features from the teachings of the '557 Palaniappan patent.

Recited feature in claim 14 of present application	**'557 Palaniappan patent**
means for setting, by the user, local user preferences valid for the one terminal itself	"User preferences", whether local or non-local, as defined in, e.g., paragraphs [00013], [00014] and [00015] of present application, are not disclosed at all in the '557 patent.
and non-local user preferences valid for the network,	"User preferences", whether local or non-local, as defined in, e.g., paragraphs [00013], [00014] and [00015] of present application, are not disclosed at all in the '557 patent.
the local user preferences being stored within the one user terminal and used in configuring operation of the one user terminal for use by the user,	"Applications" 50a, 50b, 50c are installed on the "client device" (see col. 2, lines 58-59). The term "applications" is not specifically defined in the '557 patent. Nevertheless, in the context of that patent, the term most likely refers to computer programs of one sort or another which perform specific tasks, e.g., word processing, e-mail, spreadsheet implementation, graphics rendering and composing, etc., such as on a personal computer, server or the like executing in a Microsoft Windows environment. This context is evident by the patentee's reference in col. 1, line 31 et seq to the "Microsoft Software Update Channels" and in col. 3, line 15 et seq to

	the "Microsoft Windows dynamic link library (DLL)".
and the non-local user preferences being communicated, by the one user terminal and the network to the server,	The '557 patent fails to disclose server 20, shown in FIG. 1, as containing any user preference information, let-alone non-local user preferences. Client machine 10 contains resident database 60 comprising information for each "registered application" which identifies each such application, the language of that application (such as French or English), the location on the client machine of one or more components of that application. See col. 2, lines 61-67.
for storage by the server and	Server 20 stores meta-information and preferably updates of relevant applications. See col. 3, lines 27-38. This information is not provided by the "client terminal", but from the vendors of the applications. See col. 3, lines 47-49, and col. 3, line 66 through col. 4, line 2, with the latter stating: "the information can be in the form of one or more XML files each specific to a particular vendor and containing information about the participating applications of the vendor.".
for use in configuring operation of the network as required by the one user	In the '557 patent, applications are monitored and updates downloaded if

terminal for use by the user	and when appropriate. This is not "configuring" as the present Applicant uses the term. Specifically, the present Applicant uses the term "configuring", in the context of the present specification, as "personalizing" a look and feel, and operation of a user terminal and the functioning of the network over which the user terminal is communicating. Not surprisingly, such "configuring" is totally absent from the teachings of the '557 patent for the simple reason that it is totally irrelevant to the software updating methodology that is taught.

Highly similar, though counterpart, limitations appear in each of the Applicant's other independent claims 20 and 26.

Thus, as the Examiner should now appreciate, in the absence of these, among other, claimed features being disclosed, let alone identically, in the teachings of the '557 Palaniappan patent, the Applicant submits that none of claims 14, 20 or 26 is anticipated by those teachings. Accordingly, each of these claims is patentable under the provisions of 35 USC § 102(b).

Each of new dependent claims 15-19, 21-25, and 27-28, directly or indirectly, depends from new independent claims 14, 20 and 26, respectively, and recites further

distinguishing aspects of the present invention over those recited in its corresponding independent claim. Hence, the Applicant submits that each of these new dependent claims is also not anticipated by the teachings of the '557 Palaniappan patent for the exact same reasons set forth above with respect to claim 14. Consequently, each of these dependent claims is also patentable under the provisions of 35 USC § 102(b).

Therefore, this rejection should now be withdrawn.

Conclusion

Consequently, the Applicant believe that all the claims are in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

Respectfully submitted,

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